



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Henry Thomas Ubik, et al.

Serial No. 10/064,964

Group Art Unit: 3627

Filed: 09/04/02

Examiner: Laneau, Ronald

For: AUTOMATED COLLECTION OF VEHICLE DATA

Attorney Docket No.: 81046000

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Jo Anne Croskey

Jo Anne Croskey
Signature

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following Appeal Brief is submitted in response to the Notice of Appeal dated

August 30, 2006.

09/12/2006 AWONDAF1 00000079 061510 10064984

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I. Real Party in Interest

The real party in interest in this matter is Ford Global Technologies, LLC, which is a wholly owned subsidiary of Ford Motor Company both in Dearborn, Michigan (hereinafter "Ford").

II. Related Appeals and Interferences

There are no other known appeals or interferences that will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of the Claims

Claims 1-7 stand rejected in the Final Office Action. A copy of the claims on appeal (1-7) is attached as a Claims Appendix.

IV. State of Amendments

There have been no amendments filed subsequent to the final rejection.

V. Summary of Claimed Subject Matter

The subject matter of claim 1 is best described with respect to Figure 1 and the corresponding description in paragraphs [0020]-[0022], lines 1-17, of the present application.

Claim 1 is an independent claim that describes a method for inventory management of transportation vehicles within a predefined service area that, among other steps, determines an inventory of transportation vehicles within a predefined service area. A transmitter is instructed to collect and deliver data as long as the

vehicle is in a predefined service area. The predefined service area is described at paragraph [0018] and is defined as a perimeter 18 defined by the wireless antennas 20.

The transmitter will communicate the data through the wireless antennas to a server where the data is collected, and processed for retrieval. The data may be processed and presented in any form that is required for any number of applications.

The present invention is directed to inventory management of vehicles that are at rest at a particular site having a predefined service area as described above. At paragraph [0031] this is emphasized in the description that each site will have its own service area defined by an antenna system, with its own server. The transmitters on the vehicles within the site are in communication with the server only when they are on site, or within the predefined service area.

Claim 2 depends from claim 1 and recites that the method comprises the step of communication a time the vehicle enters the predefined service area.

Claim 3 depends from claim 1 and recites communicating a time the vehicle leaves the predefined service area.

Claim 4 depends from claim 1 and recites communicating both the time the vehicle enters and the time the vehicle leaves the service area. These claim features are described at paragraph [0015] as relevant information collected from the vehicle. The features are again described at paragraph [0024] describing real-time location of the vehicle and "time-stamp" the date the vehicle arrived at a site.

Claim 5 depends from claim 1 and recites that the method comprises determining a location of a predetermined number of vehicles having predetermined characteristics, including a destination site; and delivering the vehicles to the destination site. This is described at paragraph [0024].

Claim 6 is an independent claim that describes a method for service management of a plurality of transportation vehicles comprising the step of defining a service area for active transmission between the RF transmitter and a server specific to the defined service area. This is described at paragraphs [0032] – [0034] where the predefined service area is described as a dealership service area, defined by its own antenna system and server, in order to track inventory, service management, or vehicle maintenance records for example.

Claim 7 depends from claim 6 and recites the communication of the time a vehicle enters and leaves the predefined service area. This is similar to claims 2 through 5 and therefore will not be discussed further.

Claims 8-10 were canceled in a previous office action.

VI. Grounds of Rejection to be Reviewed on Appeal

The following issue is presented in this appeal:

Are Claims 1-7 unpatentable under 35 U.S.C. §103(a) over Song et al in view of Carter.

VII. Argument

Independent claims 1 and 6 are directed to an inventory and/or service management system for a plurality of transportation vehicles in a predefined service

area. The step of defining a predefined service area provides for inventory management and service management of a plurality of vehicles within an area specific to a particular server. The server is specific to a manufacturer, a dealer, a fleet site, a rental site, where the vehicles are parked and are not in motion. The transmitter is not in communication with the server when it is not within the predefined service area. The predefined service area is defined as a limited area and is particularly advantageous for tracking the time a vehicle leaves and/or enters the predefined service area. This information is important to a specific site for different reasons. For example, a manufacturer will want to track when a vehicle leaves its predefined service area, a dealer and a rental site will want to track when a vehicle both enters and leaves a predefined service area.

The Song et al reference is directed to the collection of vehicle information relating to maintenance and repair that is collected from a moving vehicle in order to notify a driver of the need for maintenance or repair. The Song et al reference does not teach or suggest defining a predefined service area as claimed by the present invention. The Examiner cites the Carter reference for this teaching in which the Examiner suggests that the predefined service area is the location of the vehicle. However, it is respectfully asserted that a predefined service area as claimed by the present invention cannot encompass the location of the vehicle.

When the vehicle is in motion, there would be no way to determine whether it is entering or leaving a predefined service area. The transmitter and the server would be in constant communication which defeats the purpose of a predefined service area. Furthermore, to time stamp the vehicle's entry and exit into the

predefined service area would be impossible, as the vehicle, by definition, would always be in the predefined service area. It is respectfully asserted that the combination of Song et al and Carter does not result in the present invention.

Further, it is respectfully asserted that one skilled in the art would not look to combine the references as suggested by the Examiner. The purpose of the Song et al reference is to acquire information from a running vehicle in order to collect data for maintenance, operation and safety control of the vehicle. Therefore, one would not look to define predefined service area, or an area having communication boundaries, as claimed in the present invention with a reference that is directed to a running, moving vehicle that inherently has no boundaries. The Song reference teaches communication no matter where the vehicle is located.

Thus since a predefined service area is not set forth in the Song reference and because there is no teaching or suggestion to define a service area, Appellants respectfully request the Board to reverse the Examiner's position with respect to claims 1 and 6.

Claims 2-4 further define the need for a predefined service area in that they lay claim to time stamping the vehicles entry and/or exit from the predefined service area. Likewise, Claim 7 relates to time stamping. Therefore it is respectfully requested the Board reverse the Examiner's position with respect to claims 2-4 and 7 as well.

VIII. Claims Appendix

A copy of each of the claims involved in this appeal, namely claims 1-7, is attached hereto as a Claims Appendix.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

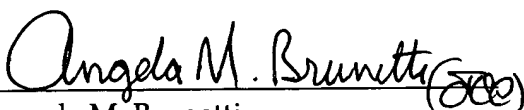
None.

XI. Conclusion

For the foregoing reasons, Appellant respectfully requests that the Board direct the Examiner in charge of this examination to withdraw the rejection of claims 1-7.

Please charge the required fee of \$500 in the filing of this appeal to Deposit Account No. 06-1510.

Respectfully submitted,


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Date: September 6, 2006

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Claims Appendix

What is claimed is:

1. (Original) A method for inventory management of a plurality of transportation vehicles wherein each vehicle has an active RF transmitter in communication with a diagnostic service bus on said vehicle, said method comprising the steps of:

defining a service area for active transmission between said RF transmitter and a server specific to said service area;

communicating data relevant to said transportation vehicle from said transmitter to said server automatically and in real time; and

determining an inventory of transportation vehicles within said predefined service area.

2. (Original) The method as claimed in claim 1 further comprising the step of communicating a time said vehicle entered said predefined service area to said server.

3. (Original) The method as claimed in claim 1 further comprising the step of communicating a time said vehicle left said predefined service area to said server.

4. (Original) The method as claimed in claim 1 further comprising the steps of:

communicating a time said vehicle entered said predefined service area to said server; and

communicating a time said vehicle left said predefined service area to said server.

5. (Original) The method as claimed in claim 1 further comprising the steps of:

determining a location of a predetermined number of vehicles having predetermined characteristics, including a destination site; and

delivering said predetermined number of vehicles to said destination site.

6. (Original) A method for service management of a plurality of transportation vehicles wherein each vehicle has an active RF transmitter in communication with a diagnostic service bus on said vehicle, said method comprising the steps of:

defining a service area for active transmission between said RF transmitter and a server specific to said service area;

communicating data relevant to said transportation vehicle from said transmitter to said server automatically and in real time; and

determining if a service procedure is necessary on said vehicle based on said communicated data.

7. (Original) The method as claimed in claim 6 further comprising the steps of:

communicating a time said vehicle entered said predefined service area to said server; and

communicating a time said vehicle left said predefined service area to said server.

Evidence Appendix

No submitted or entered evidence.

Related Proceedings Appendix

No related proceedings.